GOVERNMENT OF INDIA
MINES
LOK SABHA

UNSTARRED QUESTION NO:323
ANSWERED ON:17.11.2016
Illegal Sand Mining
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Will the Minister of MINES be pleased to state:

(a) whether the Union Government has held any discussions with the State Governments in regard to illegal sand mining; and;

(b) if so, the details and the outcome thereof?

Answer

(a) to (b): Sand is a minor mineral, as defined under section 3(e) of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act). Section 15 of the MMDR Act provides that State Governments may, by notification in the official Gazette, make rules for regulating the grant of mining leases or other mineral concessions in respect of minor minerals and for purposes connected therewith. The administration of the mining of minor minerals is a subject that is, therefore, completely within the domain of the respective State Governments. Under the power granted to them by section 15 of the MMDR Act, State Governments have framed their own minor minerals concession rules.

Besides, section 23C of the MMDR Act, 1957 empowers State Governments to frame rules to prevent illegal mining and the state governments may, by notification in the Official Gazette, make such rules for preventing illegal mining, transportation and storage of minerals (both major minerals and minor minerals) and for purposes connected therewith. Control of illegal mining is, therefore, under the legislative and administrative jurisdiction of State Governments.

A meeting was held with the Principal Secretaries/Secretaries in charge of Mines in the States/UTs on 29.10.2014 to 31.10.2014.The State Governments brought to the notice of the Ministry the legal and policy framework to curb/stop illegal sand mining that exists in their respective States. The problems being faced by them in curbing the menace of illegal mining of sand as well its adverse impact to the environment were also discussed. Information on the price of sand, rates of royalty, the mode of payment and the revenue sharing methods practiced by each state was shared in the meeting. The issue regarding the size of the mines as well as the issues involved in obtaining environmental clearance subsequent to Deepak Kumar judgment was also discussed.

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